

MINUTES

INDIANA OPTOMETRY BOARD

SEPTEMBER 9, 2009

I. CALL TO ORDER AND ESTABLISHMENT OF QUORUM

Dr. Morrow called the meeting to order at 10:00 a.m. in the Indiana Government Center South, 302 West Washington Street, Conference Center - Room 4, Indianapolis, Indiana, and declared a quorum in accordance with Indiana Code § 25-24-1-2.

Board Members Present:

Douglas C. Morrow, O.D., President
Natalie Olinger-Stine, O.D., Secretary
James Hunter, O.D., Member
Carl Golightly, O.D., Member
Stephan Van Cleve, O.D., Member

State Officials Present:

Cindy Vaught, Board Director, Professional Licensing Agency
Heather Hollcraft, Case Manager, Professional
Liz Brown, Deputy Attorney General, Attorney General's Office

II. ADOPTION OF THE AGENDA

A motion was made and seconded to adopt the agenda, as amended.

HUNTER/GOLIGHTLY

Motion carried 4-0-0

*Dr. Van Cleve was not present for the vote

III. ADOPTION OF THE MINUTES FROM THE MAY 13, 2009 MEETING OF THE BOARD

A motion was made and seconded to adopt the minutes, as amended, from the May 13, 2009 meeting of the Board.

GOLIGHTLY/ OLINGER-STINE

Motion carried 4-0-0

*Dr. Van Clever was not present for the vote

IV. DISCUSSION

A. Medicaid Reimbursement

Correspondence from Pat Nolte, Reimbursement Manager, Indiana Family & Social Services Administration, regarding a request for an opinion from the Board on whether or not certain codes are within the scope of practice of an optometrist was reviewed. Currently the Indiana Medicaid reimburses optometrists for such codes listed below. The Indiana Academy of Ophthalmology has advised that the codes enumerated are outside the scope of practice for an optometrist. However, the Indiana Optometric Association has advised the codes are within scope. This is why they are seeking the input of the Board.

The codes are:

Code	Description
65435	REMOVAL OF CORNEAL EPITHELIUM; WITH OR WITHOUT CHEMOCAUTERIZATION (ABRASION, CURETTAGE)
65600	MULTIPLE PUNCTURES OF ANTERIOR CORNEA (EG, FOR CORNEAL EROSION, TATTOO)
67825	CORRECTION OF TRICHIASIS; EPILATION BY OTHER THAN FORCEPS (EG, BY ELECTROSURGERY, CRYOTHERAPY, LASER SURGERY)
67938	REMOVAL OF EMBEDDED FOREIGN BODY, EYELID
80048-89356	PATHOLOGY AND LABORATORY PROCEDURES AS ALLOWED BY PROVIDER CLIA CERTIFICATION ON FILE
92230	FLUORESCEIN ANGIOSCOPY WITH INTERPRETATION AND REPORT
92235	FLUORESCEIN AGIOGRAPY (INCLUDES MULTIFRAME IMAGING) WITH INTERPRETATION AND REPORT
92265	NEEDLE OCULO-ELECTROMYGRAPHY, ONE OR MORE EXTRAOCULAR MUSCLES, ONE OR BOTH EYES, WITH INTERPREATION AND REPORT

Richard Schamerloh, O.D., President of the Indiana Optometric Association, spoke on behalf of the Association. The IOA understands that the primary focus of the Board is public safety and to ensure that licensees provide care in accordance with the scope of practice. It is within the purview of the Board to determine whether a particular procedure is within the scope of the practice of an optometrist. The IOA asserts that the codes referenced are within the scope of optometric care and that the decision by OMPP to remove certain procedures from the Vision code Set was based upon an incomplete analysis of state law. Ophthalmic CPT codes listed have long been part of optometric practice, have been recognized and reimbursed by the federal government, and should remain reimbursable for Indiana residents who count on Medicaid for their healthcare.

Kim Williams, Executive Director of the Indiana Academy of Ophthalmologists, spoke on behalf of the Academy. Ms. Williams stated that feels very strongly that the codes in question fall under surgical codes. They would like the codes to be removed from the Optometric Code Set.

During the discussion of the Board, Dr. Hunter stated that the codes in question have been taught by Indiana University School of Optometry for at least the last twenty (20) years and therefore fall under the optometric code set. Dr. Golightly feels the Board needs to make a decision regarding this issue. Dr. Olinger-Stine stated she feels the codes fall with the description of IC 25-24-1-4 of where the practice of optometry defined. Dr. Van Cleve is concerned how this has come about in the first place and the lapse in time it has taken to get to the Board. He questions why it went to FSSA and not to the Board directly. Being the Board member who reviews the consumer complaints, he has never received any complaints regarding the code set and thinks they are limiting the scope of practice for optometry. He points out the Board is here to protect the public. Dr. Morrow feels it is also part of the optometry practice and would like the Indiana Professional Licensing Agency to respond to Ms. Nolting.

Board action: A motion was made and seconded to respond to Ms. Nolting's request by stating, that it is the opinion of the Board that all of the codes on the list you provided are within the scope of practice for an optometrist. The Board also wanted to clarify that Indiana Code 25-24-1-1 authorizes the Indiana Board of Optometry to regulate the practice of optometry. As an independent profession, the practice of optometry is not regulated by any other profession.

OLINGER-STINE/HUNTER
Motion carried 5-0-0

V. APPEARANCES

A. CONTINUING EDUCATION

There were no personal appearances regarding continuing education applications.

B. APPLICATION

There were no personal appearances for applications.

C. RENEWAL

There were no personal appearances for renewal applications.

VI. ADMINISTRATIVE HEARINGS

There were no administrative hearings scheduled.

VII. CORRESPONDENCE

A. Association of Regulatory Boards

1. ARBO Board Liaison

The new board liaison for ARBO is Michael Olsen. The next meeting will be in Florida in June 2010.

2. ARBO and ABO

Correspondence from Bill Rafferty to the Indiana Optometry Board stated that there has been an election of new officers and boards. Association of regulatory Boards (ARBO) does not support the American Board of Optometry's (ABO) process as proposed. They are opposed to the removal of two ARBO members. The ABO has passed a resolution that ARBO does not support. Members of ARBO were not asked to attend the House of Delegates meeting of the American Optometric Association (AOA). Only one member of ARBO is left on the ABO committee and has not been asked to be a part of the committee. A memo was sent out asking members of ABO to keep the meeting confidential which will not allow ARBO to know what is going on with the maintenance of competency issue. Representation of ARBO was not present and they did not share in the memo of understanding.

B. John D. Robinson, O.D., Executive Director

North Carolina State Board of Optometry

Re: Board Certification/American Board of Optometry

Notice Sent to All North Carolina Licensed Optometrists

A notice was sent to all North Carolina optometrists telling them if they advertise to having higher standards just because they hold a certificate from the American Board of Optometry, they will have to answer to the Board. The Indiana Board of Optometry feels it would be difficult for North Carolina to police optometrists advertising they hold a higher certification to make it seem as if they have higher standards than another optometrist.

VIII. CONTINUING EDUCATION

There were no continuing education applications or issues before the Board.

IX. APPLICATION REVIEW

A. Endorsement Applications

There were no endorsement applications for the Board to review.

B. Examination Applications

1. Gary Edward Bircham, O.D.

Dr. Bircham's application for licensure by endorsement was reviewed by the Board. Dr. Bircham is a 1989 graduate from the University of California and is currently licensed in the state of Colorado. He has taken and passed Part I, Part II and TMOD of the National Boards. At the time of graduation Part III was not available. In lieu of Part III Dr. Bircham was required to take and pass a state constructed examination in the state that he is endorsing. The state of Colorado did not offer or require an examination at that time. After review, based upon the documentation presented, the Board requested that Dr. Bircham be notified that he would be required to take and pass Part III of the NBEO in order to qualify for licensure in the state of Indiana.

C. Faculty Limited License

There were no faculty limited license applications for the Board to review.

D. Professional Corporation Applications

There were no professional corporation applications for the Board to review.

X. PROBATIONARY REPORT

There were no probationary reports to review.

XI. REPORTS

A. Consumer Complaints

There was no report from Dr. Van Cleve.

B. Indiana Optometric Association

Dr. Golightly had nothing to report to the Board from the Indiana Optometric Association.

C. Continuing Education

- Dr. Hunter state that he has reviewed thirteen (13) hours of continuing education for optometry credit and approved twelve (12) of those hours. He has reviewed twelve (12) hours of continuing education for optometric legend drug credit and approved twelve (12) of those hours.

XII. OLD/NEW BUSINESS

The Board has changed the date of the next meeting from November 18, 2009 to December 9, 2009. At that time they will discuss the rules and any changes that need to be made. .

XIII. ADJOURNMENT

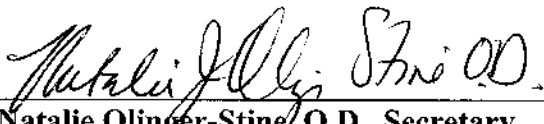
There being no further business, and having completed its duties, the meeting of the Indiana Optometry Board adjourned at 11:15 a.m.



Douglas C. Morrow, O.D., President

2/10/10

Date



Natalie Olinger-Stine, O.D., Secretary

2/10/10

Date